



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Department of Social and Health Services, Aging and Disability Services Administration

Emergency Rule Only

Effective date of rule:

Emergency Rules

☒ Immediately upon filing.

☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes

☒ No

If Yes, explain:

Purpose:

To extend the current emergency rule filed as WSR 11-19-060, before it expires on January 14, 2012. The current emergency rule will stay in effect as written. The plan to adopt the permanent rule is being accomplished through additional changes being made to chapter 388-845 WAC within WSR 11-23-155. The public hearing for WSR 11-23-155 is January 10th. However, the earliest the changes can be adopted is February 13, 2012.

The proposed amendments to WAC 388-845-0600 and 0610 are needed to revise the current working age adult policy to allow clients to choose between employment and community access services as directed by the legislature.

Citation of existing rules affected by this order:

Repealed: None

Amended: WAC 388-845-0600 and 388-845-0610

Suspended: None

Statutory authority for adoption:

RCW 34.05.350(1)(c).

Other authority : NA

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☒ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- ☐ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

House Bill 1087 section 205 (g)(i) directed the department to revise the current working age adult policy to allow clients to choose between employment and community access activities. Clients age 21 and older who are receiving services through a home and community based waiver shall be offered the choice to transition to a community access program after nine months of enrollment in a employment program and the option to transition from a community access program to an employment program at any time. In response to this direction, we need to request emergency rule to update WAC 388-845-0600 and 388-845-0610.

Date adopted:

January 10, 2012

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 12, 2012

TIME: 10:23 AM

WSR 12-03-063

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>2</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>2</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 08-20-033, filed 9/22/08, effective 10/23/08)

WAC 388-845-0600 What are community access services?

Community access services are provided in the community to enhance or maintain your community integration, physical or mental skills.

(1) ~~((if you are age sixty-two or older, these))~~ Services ~~((are available to))~~ assist you to participate in activities, events and organizations in the community in ways similar to others of ~~((retirement))~~ similar age.

(2) These services are available in the Basic, Basic Plus, and CORE waivers.

AMENDATORY SECTION (Amending WSR 08-20-033, filed 9/22/08, effective 10/23/08)

WAC 388-845-0610 Are there limits to community access services I can receive? The following limits apply to your receipt of community access services:

(1) You must be age sixty-two or older or you have accessed nine consecutive months of employment services.

(2) You cannot be authorized to receive community access services if you receive prevocational services or supported employment services.

(3) The dollar limitations for employment/day program services in your Basic or Basic Plus waiver limit the amount of service you may receive.